



State of New Jersey

DEPARTMENT OF HEALTH AND SENIOR SERVICES

PO BOX 360

TRENTON, N.J. 08625-0360

JAMES E. MCGREEVEY  
*Governor*

[www.state.nj.us/health](http://www.state.nj.us/health)

CLIFTON R. LACY, M.D.  
*Commissioner*

May 24, 2004

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Anthony Comerford, Ph.D.  
President & Chief Executive Officer  
The Open Door  
2-4 Kirkpatrick & New Streets  
New Brunswick, NJ 0890

Re: Notice of Proposed Assessment  
of Penalties  
Facility ID# 22561

Dear Dr. Comerford:

The Health Care Facilities Planning Act, N.J.S.A. 26:2H-1 et seq., is intended to ensure that all licensed New Jersey health care facilities are of the highest quality. In furtherance of this objective, N.J.S.A. 26:2H-5 authorizes the Commissioner of Health and Senior Services to inquire into health care services and the operation of health care facilities and to conduct periodic inspections of such facilities with respect to the fitness and adequacy of the premises, equipment and personnel.

Department of Health and Senior Services (Department) staff visited your facility on July 29, 2003 for the purpose of conducting a biennial survey. The survey report revealed that The Open Door was in violation of certain licensure requirements in N.J.A.C. 8:43A, Licensing Standards for Ambulatory Care Facilities. The following are those violations for which a monetary penalty is imposed against The Open Door:

1. N.J.A.C. 8:43A-3.5(d)1\* states, "All personnel shall receive orientation at the time of employment and at least annual in-service education regarding, at a minimum, emergency plans and procedures, the infection prevention and control program, universal precautions, policies and procedures concerning patient rights, and, if appropriate, given the patient population of the facility, identification of cases of child abuse and/or elder abuse."

\*This is a repeat violation from the previous biennial survey of April 23, 2001.

Based on 6 of 6 employee records reviewed, the facility failed to provide documented evidence of employee orientation and in-service training. According to the facility's Director, orientation and in-service training of employees regarding emergency plans and procedures, the infection prevention and control program, universal precautions, policies and procedures concerning patient rights and identification of cases of child/elder abuse/neglect are conducted by the New Hope Foundation which is located in Marlboro, New Jersey. The records of employee orientation and in-service training are stored at that facility. The Director stated that orientation and in-service documentation would be faxed to The Open Door for review by the surveyor. However, at the completion of the survey, the documentation was not available to the surveyor.

2. N.J.A.C. 8:43A-3.7(a) states, "The policy and procedure manual of the facility shall include policies and procedures to ensure that physical examinations of employees are performed upon employment and subsequently. . ."

Based on staff interviews, the facility failed to provide employee health records of physical examinations for 6 of 6 employees. According to the facility's Director, the documentation was to be faxed to the facility. However, at the completion of the survey, documentation of the physical examinations was not available to the surveyor.

3. N.J.A.C. 8:43A-3.7(b)\* and 3.7(b)2 state, "Each employee who cannot document the result of a previous rubella screening test shall be given a rubella screening test. . .[and] [e]ach employee's personnel record shall contain documentation of all tests performed and the results."

Based on staff interviews, the facility failed to provide employee health records concerning rubella screening tests for 6 of 6 employees. According to the facility's Director, the documentation was to be faxed to the facility. However, at the completion of the survey, documentation concerning the rubella screening tests was not available to the surveyor.

4. N.J.A.C. 8:43A-3.7(c)\* and 3.7(c)2 state, "Each employee born in 1957 or later shall be given a measles (rubeola) screening test. . .[and] [e]ach employee's personnel record shall contain documentation of all tests performed and the results."

Based on staff interviews, the facility failed to provide employee health records concerning rubeola screening tests for 6 of 6 employees. According to the facility's Director, the documentation was to be faxed to the facility. However, at the completion of the survey, documentation concerning the rubeola screening tests was not available to the surveyor.

5. N.J.A.C. 8:43A-3.7(d)\* states, "Each employee, including members of the medical staff employed by the facility, shall receive a Mantoux tuberculin skin test. . ."

Based on staff interviews, the facility failed to provide employee health records concerning Mantoux tuberculin skin tests for 6 of 6 employees. According to the facility's Director, the documentation was to be faxed to the facility. However, at the completion of the survey, documentation concerning the Mantoux tuberculin skin tests was not available to the surveyor.

N.J.S.A. 26:2H-14 allows for the imposition of a penalty of not more than \$5,000 for each day that a facility violates any rule or regulation as it pertains to the care of patients or physical plant standards. Therefore, in accordance with N.J.S.A. 26:2H-14, you are hereby assessed a penalty of \$12,500, calculated as follows:

\$2,500 for the repeat violation of N.J.A.C. 8:43A-3.5(d)1 as provided for at N.J.A.C. 8:43E-3.4(10).

\$2,500 for the violation of N.J.A.C. 8:43A-3.7(a) as provided for at N.J.A.C. 8:43E-3.4(10).

\$2,500 for the repeat violations of N.J.A.C. 8:43A-3.7(b) and 3.7(b)2 as provided for at N.J.A.C. 8:43E-3.4(10).

\$2,500 for the repeat violations of N.J.A.C. 8:43A-3.7(c) and 3.7(c)2 as provided for at N.J.A.C. 8:43E-3.4(10).

\$2,500 for the repeat violation of N.J.A.C. 8:43A-3.7(d) as provided for at N.J.A.C. 8:43E-3.4(10).

A certified check or money order, made payable to "Treasurer, State of New Jersey" must be submitted within 30 days of the date of this letter. In accordance with N.J.A.C. 8:43E-3.5(c), failure to pay this penalty may result in a summary civil proceeding in the Superior Court of New Jersey in accordance with the Penalty Enforcement Law, N.J.S.A. 2A:58-1 et seq., or placement of The Open Door on provisional licensure status. Payment should be forwarded to:

New Jersey Department of Health and Senior Services  
Certificate of Need and Acute Care Licensure Program  
P.O. Box 360, Room 403  
Trenton, New Jersey 08625-0360  
ATTN: Mr. John A. Calabria

Pursuant to N.J.S.A. 26:2H-13, you may contest this proposed penalty assessment by giving written notice to this Department of your desire for a hearing before the Office of Administrative Law. Such notice must be accompanied by a written answer addressing each of the violations. This penalty may be held in abeyance until such time as the hearing has been concluded and a final decision rendered. A request for such a hearing must be submitted to this office within 30 days after mailing, and should be forwarded to:

New Jersey Department of Health and Senior Services  
Office of Legal and Regulatory Affairs  
P.O. Box 360, Room 805  
Trenton, New Jersey 08625-0360  
ATTN: Ruth Charbonneau, Esq.

If you have any questions concerning this matter, please do not hesitate to contact Mr. John A. Calabria, Director, Certificate of Need and Acute Care Licensure Program, at (609) 292-8773.

Sincerely,

Marilyn Dahl  
Deputy Commissioner  
Health Care Quality & Oversight

c: Ms. Eisenbud, Chief of Staff  
Ms. Thornton  
M. Raksa, DAG  
R. Charbonneau, Esq.  
Ms. Riley  
Mr. Calabria  
Ms. Gibson  
Mr. Kobylarz  
Ms. Brown  
Mr. Greenberg  
Ms. Hall  
M. Miller, Esq.